

# EXHIBIT E

Ec24reys

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 CR 51 (PGG)

5 ARCADIO REYES-ARIAS,

6 Defendant.

7 -----x  
8 New York, N.Y.  
9 December 2, 2014  
2:40 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
Southern District of New York

17 EDWARD DISKANT

Assistant United States Attorney

18 MARGARET SHALLEY

19 Attorney for Defendant

20 ALSO PRESENT: FRANCISCO OLIVERA, Spanish Interpreter

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1 (Case called)

2 THE COURT: This matter is on my calendar for purposes  
3 of sentencing and preparation for sentencing.

4 I have read the presentence report dated November 24,  
5 2014. I have read Ms. Shalley's submission dated  
6 November 25th, along with the letters from the defendant's  
7 family. I have also read the government's 5K letter dated  
8 November 16, 2014.

9 Ms. Shalley, have you read the presentence report and  
10 its recommendation and discussed it with your client?

11 MS. SHALLEY: Yes, I have.

12 THE COURT: Mr. Reyes-Arias, has the presentence  
13 report been read to you in Spanish, and have you discussed it  
14 with Ms. Shalley?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Ms. Shalley, do you have any objections to  
17 the factual portions of the presentence report?

18 MS. SHALLEY: Yes. On page 3 of my submission, there  
19 were a series of objections. I think the first one,  
20 paragraph 43, is resolved by the restitution amount, your  
21 Honor.

22 THE COURT: So I take it that you're agreeable to the  
23 proposed order of restitution that provides for a \$7 million  
24 amount? You're okay with that?

25 MS. SHALLEY: That's correct, your Honor.

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1 THE COURT: Let me take a look at paragraph 43 and see  
2 if there is anything that needs to be changed. Are you asking  
3 me to make any changes to paragraph 43?

4 MS. SHALLEY: Do we just want to leave it at  
5 \$7 million?

6 THE COURT: I think it's accurate. It reflects a  
7 guidelines range. That's where the 7 million to 20 million  
8 comes from.

9 MS. SHALLEY: No, I understand that. It makes it  
10 sound like its a restitution amount as well. It is the  
11 guidelines range, that's correct. I guess the Court wants to  
12 leave it the same?

13 THE COURT: I don't think it's inaccurate.

14 MS. SHALLEY: Okay. Paragraph 82 --

15 THE COURT: Yes.

16 MS. SHALLEY: -- which was not one of my original  
17 objections, the description underneath, where it says that the  
18 defendant, arrested under the name Jose Reyes, still needs to  
19 be fingerprinted and a New Jersey State Bureau of  
20 Identification number obtained before he can be accepted by the  
21 county police to begin service of his sentence.

22 He actually served three and a half months, and the  
23 sentence is done. So I would ask that that be stricken. In  
24 fact, by virtue of paragraph 86, which shows another arrest  
25 later in 2011, with the case being dismissed in 2012, if he

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1 hadn't already served the sentence, a warrant would have popped  
2 up at that time.

3 THE COURT: If I understand what you're saying, you  
4 just want me to strike that sentence under paragraph 82?

5 MS. SHALLEY: Correct. Because he already served the  
6 sentence.

7 THE COURT: Any objection to that, Mr. Diskant?

8 MR. DISKANT: No, your Honor.

9 THE COURT: I will direct that sentence under  
10 paragraph 82 be deleted from the report.

11 Go ahead, Ms. Shalley.

12 MS. SHALLEY: Paragraph 87, the first, second, and  
13 third sentences. He is the second of nine children, not eight.

14 THE COURT: All right. We will make that change.

15 MS. SHALLEY: Paragraph 94, he has one additional  
16 child, a 13-year-old son who lives in Boston, Massachusetts.  
17 So there are six children altogether.

18 THE COURT: All right. So I will add a sentence just  
19 stating that the defendant also has a 13-year-old son who lives  
20 in Boston.

21 MS. SHALLEY: Okay. The only other -- it's not really  
22 an objection, it's a clarification on paragraph 112.

23 THE COURT: Yes.

24 MS. SHALLEY: The defendant hasn't filed tax returns  
25 yet because it is a condition of supervised release. He is

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1 still incarcerated. There is no reason he would have already  
2 filed them. The way it reads, it makes it sound like there was  
3 something he was supposed to do and he didn't, which is  
4 inaccurate.

5 THE COURT: I understand that. Do you want me to  
6 change any of the language in this paragraph?

7 MS. SHALLEY: Maybe eliminate the last line.

8 THE COURT: All right. You don't have any objection  
9 to that, Mr. Diskant?

10 MR. DISKANT: No, your Honor.

11 THE COURT: The last sentence will be struck.

12 Anything else with respect to the factual portions of  
13 the presentence report, Ms. Shalley?

14 MS. SHALLEY: No, your Honor.

15 THE COURT: Mr. Diskant, does the government have any  
16 objection to the factual portions of the presentence report?

17 MR. DISKANT: No, your Honor.

18 THE COURT: With the corrections that I have gone over  
19 with Ms. Shalley, other than those corrections, I adopt the  
20 factual portions of the presentence report.

21 Although I'm not required to impose sentence in  
22 accordance with the sentencing guidelines, I am required to  
23 consider the recommended sentencing range. Here, the defendant  
24 pleaded guilty to four separate counts. The Probation  
25 Department grouped the first two counts, which relate to the

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1 conviction for health care fraud offense. The base offense  
2 level for those counts was level 7. There was a 20-level  
3 increase imposed because the loss amount for Counts One and Two  
4 exceeded \$7 million but was less than \$20 million. There was a  
5 further three-level increase because the offenses were federal  
6 health care fraud offenses that involved a government health  
7 care program and the loss amount was more than \$7 million. A  
8 further two-level increase was imposed because the offense  
9 involved acts that could have exposed others to the risk of  
10 death or serious bodily injury. All of these calculations  
11 yielded a total offense level for Counts One and Two of 32.

12 The Probation Department also did calculations with  
13 respect to the remaining two counts, which relate to a mortgage  
14 fraud offense and an offense involving using animals for  
15 purposes of conducting contests. Because the calculations for  
16 those two counts are much lower than the calculations for  
17 Counts One and Two, the offense level for Counts One and Two is  
18 what controls here. As I mentioned, the combined offense level  
19 for those counts is level 32. There was a reduction of three  
20 levels for acceptance of responsibility, resulting in a total  
21 offense level of 29.

22 The Probation Department determined that the defendant  
23 has two criminal history points. Accordingly, he falls into  
24 criminal history category II. Offense level 29 at criminal  
25 history category II yields a guidelines range of 97 to

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1 121 months' imprisonment.

2 Ms. Shalley, any objection to the accuracy of those  
3 calculations?

4 MS. SHALLEY: No, your Honor.

5 THE COURT: Mr. Diskant, any objection to the accuracy  
6 of those calculations?

7 MR. DISKANT: No, your Honor.

8 THE COURT: Based on my independent evaluation of the  
9 sentencing guidelines, I find that the offense level is 29, the  
10 criminal history category is II, and the guidelines recommend a  
11 sentence to 97 to 121 months of imprisonment, all subject to  
12 the government's Section 5K1.1 motion, of course.

13 Ms. Shalley, I will hear from you as to an appropriate  
14 sentence.

15 MS. SHALLEY: Yes, your Honor. We ask for a sentence  
16 of time served. Just so the Court is aware, the defendant's  
17 mother, five children, one brother, two nephews, a niece, and  
18 his sister-in-law are all in court for his sentencing. It is a  
19 very large and supportive family.

20 We have asked for a sentence of time served.  
21 Mr. Reyes-Arias is 43 years old. As the Court is aware, he was  
22 raised in the Dominican Republic under conditions of extreme  
23 poverty. There were nine children sleeping in a bed. There  
24 was not enough food to eat. He left school in the seventh  
25 grade and began to work in order to help support his younger



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1 siblings. And as the letters attest to, he worked and saved  
2 and eventually paid for his two sisters to go to college and  
3 paid medical bills for his sister and mother, as well as  
4 supporting six children of his own.

5 Since arriving in the United States in 1995, he has  
6 been consistently employed; first, as a factory worker, and  
7 then in the grocery store of Bladimir Rigo, and ultimately in  
8 2005, he was able to open his own business.

9 While he worked for Mr. Rigo, he was introduced to the  
10 secondhand prescription scheme; and as part of his job at the  
11 market, he would purchase the medications from people who came  
12 in, and then Rigo would then take them and resell them.

13 As Mr. Reyes-Arias stated in the probation report, he  
14 expressed remorse. Once he was in jail in the instant matter  
15 and was completely sober -- he had a drinking problem since  
16 1998 -- and he thought through the actions and really  
17 understood what happened -- he only has a seventh grade  
18 education -- it became clear to him that the implication of the  
19 actions were that there could be people at the end of the chain  
20 receiving medications that had expired and that was something  
21 that he really had never thought and thought through. As a  
22 result of that, he wanted to cooperate because he thought it  
23 was the right thing to do. He thought he should assist the  
24 government because he realized his actions could have hurt a  
25 number of people, and there was no way he could find out who

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1 they were or what else to do. In doing so, he admitted to two  
2 additional crimes, the mortgage fraud and the cockfighting or  
3 animal fighting and gambling with it. His information was  
4 important and necessary and led to the charging and conviction  
5 of Bladimir Rigo. He testified at a Fatico hearing, and the  
6 government believed his testimony was truthful, complete, and  
7 reliable and was corroborated by recorded conversations, as  
8 well as physical evidence.

9 His voluntary cooperation resulted in an increase of  
10 his guideline range, basically doubling it, and an increase in  
11 a restitution amount, which was originally \$200,000, was the  
12 amount he was originally charged with, to \$7 million, which I  
13 think -- my math being questionable -- is 35 times the original  
14 amount that he would have owed in restitution.

15 In light of his substantial assistance and the facts  
16 of the rest of his life, the 3553(a) factors, he was a good  
17 father, brother, husband, he has been good to his children, he  
18 supported all of those around him, I believe a sentence of time  
19 served is sufficient but not greater than necessary.

20 Notably, the other person who was charged at the same  
21 time, who was in front of Judge Daniels, Leyba, was basically  
22 charged with the same amount of Medicare loss of \$184,000 as  
23 opposed to \$200,000, he received a sentence of three years'  
24 probation and six months' home confinement.

25 The defendant made a very conscious choice to

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1 cooperate and to substantially increase his guidelines range  
2 based upon clear understanding of the effects of his actions,  
3 and I'm asking the Court to take notice of that and to sentence  
4 him in accordance with that to time served.

5 THE COURT: All right. Ms. Reyes-Arias, is there  
6 anything you want to say before the Court imposes sentence?

7 THE DEFENDANT: Yes, sir.

8 I want to apologize to this country, and I apologize  
9 to my family, my children, for the suffering that I have caused  
10 them. That's all, your Honor.

11 THE COURT: All right. Mr. Diskant, anything for the  
12 government?

13 MR. DISKANT: Yes, your Honor. Thank you.

14 The government does move, consistent with its letter,  
15 at this time, pursuant to Section 5K1.1 of the sentencing  
16 guidelines, for the Court to consider the factors set forth in  
17 that section and consider a downward variance in imposing  
18 sentence.

19 To echo in some respects some of the information and  
20 build on some of the information Ms. Shalley provided, the  
21 defendant's cooperation in this case was substantial and  
22 important. In particular, the defendant helped identify and  
23 prosecute one of the largest participants in a massive  
24 nationwide secondhand prescription drug scheme, an individual  
25 who it would have been quite difficult for the government to

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1 charge and successfully prosecute had the defendant not chosen  
2 to cooperate. As part of that cooperation, the defendant took  
3 the stand last month and testified, to the government's belief,  
4 truthfully and credibly, about his involvement with this other  
5 individual, Bladimir Rigo. And while Judge Sweet has reserved  
6 decision on the issues at stake in that hearing, I have no  
7 doubt Mr. Reyes-Arias' testimony, it was quite important to the  
8 government's case, presentation in that hearing, and is likely  
9 to weigh heavily on Judge Sweet in reaching his decision.

10 I also want to note for the Court, consistent with  
11 what Ms. Shalley said, that it is absolutely true from the  
12 government's perspective that in considering the appropriate  
13 sentence in this case, the defendant's guidelines range is  
14 driven vastly by information that he provided as part of his  
15 cooperation; and had the defendant chose not to cooperate and  
16 had he simply expressed a desire in pleading pursuant to an  
17 agreement after his arrest, my guess is that his guidelines  
18 range would have been close to -- actually was, in effect --  
19 time served at this point because the government's information  
20 about the loss caused by this defendant would have been far  
21 closer to approximately \$200,000.

22 In light of those facts, in light of the information  
23 he provided and the cooperation he provided and in light of the  
24 fact that the guidelines here are driven by information  
25 provided as part of that cooperation, the government would urge

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1 the Court to consider those factors in imposing sentence.

2 THE COURT: Mr. Diskant, I had gotten a sense from  
3 your submission that the government believed that the loss  
4 amount was in the vicinity of \$10 million. The restitution  
5 order is in the amount of \$7 million. Should I assume from  
6 that the government believes that the appropriate amount is  
7 \$7 million dollars?

8 MR. DISKANT: I think that is fair, your Honor. We  
9 certainly view the defendant as appropriately in that  
10 guidelines range, 7 to 20 million.

11 THE COURT: All right. In deciding upon an  
12 appropriate sentence, I have considered all of the factors  
13 listed in Title 18, United States Code, Section 3553(a),  
14 including the nature and circumstances of the defendant's  
15 offense, his personal history and characteristics, the need for  
16 the sentence imposed to reflect the seriousness of the offense,  
17 the need to promote respect for the law, to provide just  
18 punishment, and to afford adequate deterrence.

19 This case arises from an investigation conducted by  
20 the FBI into the sale of secondhand prescription drugs in New  
21 York City and its vicinity. The prescription drugs at issue  
22 were for very serious medical conditions, including HIV,  
23 schizophrenia, and asthma. The drugs were originally dispensed  
24 to recipients in the New York City area, typically Medicaid  
25 recipients. These individuals sold the drugs into collection

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1 and distribution channels that ultimately ended at pharmacies  
2 that resold the secondhand drugs to unsuspecting consumers.

3 For approximately 12 years, the defendant bought these  
4 types of drugs from Medicaid recipients and resold them to  
5 large-scale aggregators. Given that the individuals who would  
6 take these type of drugs suffered from serious illnesses and  
7 given that the drugs were not stored under appropriate  
8 conditions and in some cases might have expired, the  
9 defendant's conduct presented a significant risk of harm to the  
10 public.

11 The defendant was arrested after another individual,  
12 who I will refer to as the cooperating witness, told the FBI  
13 that he had purchased significant quantities of secondhand  
14 drugs from the defendant on a monthly basis for approximately  
15 five years. The cooperating witness stated that he had paid  
16 the defendant eight to ten thousand dollars each month, a sum  
17 that was considerably less than the Medicaid reimbursement  
18 value of these drugs.

19 After the cooperating witness made two controlled  
20 purchases of secondhand drugs from the defendant, he was  
21 arrested. The two transactions involved drugs with a Medicaid  
22 reimbursement value of approximately \$100,000. At the time of  
23 his arrest, agents recovered an additional 160 bottles of  
24 secondhand medicine from the defendant. These drugs had a  
25 Medicaid reimbursement value of \$75,000.

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1 All told, the government estimates that the total loss  
2 caused by the defendant's involvement in the conspiracy was  
3 approximately \$7 million.

4 Shortly after his arrest, the defendant began  
5 cooperating with the government. As a result of that  
6 cooperation, the government learned about other criminal acts  
7 by the defendant, which resulted in him pleading guilty, not  
8 only to the health care fraud, but also to a separate mortgage  
9 fraud scheme, as well as the cockfighting that we have heard  
10 about from defense counsel.

11 With respect to the defendant's personal history and  
12 characteristics, he is 43 years old, was born in the Dominican  
13 Republic. He grew up under very poor conditions. In 1994, he  
14 married, and he and his wife at that time came to this country  
15 in 1995. The couple had three children but divorced in 1998.  
16 The children currently live with the defendant's ex-wife. In  
17 addition, the defendant has two children by an ex-girlfriend  
18 and a 13-year-old son who lives in Boston.

19 As to education and employment, the defendant dropped  
20 out of school in the Dominican Republic. He does have a  
21 consistent history of employment since his arrival in the  
22 United States in 1995. He's worked as a factory worker and a  
23 general laborer. In 2002, he and a partner bought a grocery  
24 store in Newark. The defendant worked at that store from 2002  
25 until his arrest.



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1           There is no evidence that the defendant has used  
2           illegal drugs, but he does have an alcohol problem, including a  
3           conviction for driving while intoxicated.

4           As to cooperation, the government represents that the  
5           defendant provided information that was used to charge a far  
6           more significant participant in the scheme, a man named  
7           Bladimir Rigo. Mr. Rigo pleaded guilty to fraud charges; and  
8           as we heard from the assistant, the defendant testified at a  
9           Fatico hearing concerning Mr. Rigo.

10           The government has asked me to sentence the defendant  
11           in light of the factors set forth in Section 5K1.1 of the  
12           sentencing guidelines. Those factors include the significance  
13           and usefulness of the defendant's assistance; taking into  
14           account the government's evaluation; the truthfulness,  
15           completeness, and reliability of any information or testimony  
16           that the defendant provided; the nature and extent of the  
17           defendant's assistance; any injury suffered or any risk of  
18           injury to the defendant or his family resulting from his  
19           assistance, and the timeliness of the defendant's assistance.

20           Here it is clear that the defendant's cooperation was  
21           timely. He expressed interest in cooperating shortly after his  
22           arrest. It is also clear from the government's letter that the  
23           defendant immediately identified Mr. Rigo as one of the major  
24           high-level aggregators to whom he sold the prescription drugs.  
25           He provided detailed and credible information about Mr. Rigo



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1 and those who worked for him. Based in large part on that  
2 information, the government was able to charge Mr. Rigo, who  
3 was arrested in November 2013 and who pled guilty in April of  
4 2014. As we've heard, the defendant was called upon to testify  
5 at a Fatico hearing regarding Mr. Rigo, and the government  
6 reports that the defendant testified truthfully at that hearing  
7 concerning his own involvement in a scheme as well as  
8 Mr. Rigo's participation in it.

9 It is also worth noting, as has been pointed out by  
10 counsel, that the defendant provided extensive information to  
11 the government about his own criminal activity. This  
12 information gave the government a much more complete  
13 understanding of the true scope of the defendant's criminal  
14 activity and increased the loss amount under the sentencing  
15 guidelines from something in the area of \$200,000 to  
16 approximately \$7 million. That had an enormous effect on the  
17 guidelines calculations.

18 My conclusions are that the defendant's cooperation  
19 was timely; that he was candid and truthful in his meetings  
20 with the government and in his testimony at the sentencing  
21 hearing; and that he provided truthful information which led to  
22 the arrest and guilty plea of a significant aggregator of  
23 secondhand drugs.

24 The guidelines recommend a sentence of 97 to  
25 121 months' imprisonment. The Probation Department has

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1 recommended a sentence of 30 months' imprisonment. The  
2 government has asked that the defendant be sentenced in light  
3 of the factors set forth in Section 5K1.1. The defendant seeks  
4 a sentence of time served, which would amount to approximately  
5 24 months.

6 With all these facts in mind, I will now describe the  
7 sentence that I intend to impose, and then I will ask the  
8 parties if there is anything further they wish to say. In  
9 recognition of the substantial assistance the defendant  
10 provided to the government, I do intend to depart from the  
11 applicable guidelines range. I have taken into account the  
12 cooperation the defendant provided, but also considered the  
13 serious nature of his crime, which went on for approximately  
14 12 years and which resulted in a large loss to the Medicaid  
15 program. Health care fraud of this sort is extremely difficult  
16 to detect, and when it is discovered, it must be treated as the  
17 serious crime that it is.

18 Having said all that, I do conclude that a sentence of  
19 time served is appropriate given the entire record, including  
20 the significance of the defendant's cooperation and all the  
21 background information that I have relayed concerning his  
22 personal circumstances.

23 It does seem unlikely to me that the defendant will  
24 engage in criminal conduct in the future. He has already  
25 served two years in jail. He will be subject to a large order

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1 of restitution. He does face some risk of deportation as a  
2 result of his convictions. So it does seem to me that  
3 considering all of the sanctions that the defendant has faced  
4 and will face, that a sentence of that sort is appropriate with  
5 respect to the goals of personal and general deterrence.

6 I intend to impose a sentence of three years'  
7 supervised release to run concurrently on each of Counts One  
8 through Four, and the sentence of supervised release will be  
9 served under the following conditions: The defendant shall not  
10 commit another federal, state, or local crime. He shall not  
11 illegally possess a controlled substance. He shall not possess  
12 a firearm or destructive device. I intend to suspend the  
13 mandatory drug testing condition based on my determination that  
14 the defendant poses a low risk of future drug abuse. The  
15 defendant will cooperate in the collection of DNA as directed  
16 by the probation officer.

17 I intend to impose the first 13 standard conditions of  
18 supervised release, along with the following special  
19 conditions: The defendant will abide by the directives of the  
20 Immigration and Customs Enforcement Service. He will submit  
21 his person, residence, place of business, vehicle, or any other  
22 premises under his control to a search on the basis that the  
23 probation officer has a reasonable belief that contraband or  
24 evidence of a violation of the conditions of the supervised  
25 release may be found. Any search must be conducted at a

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1 reasonable time and in a reasonable manner. Failure to submit  
2 to a search may be grounds for revocation. The defendant will  
3 inform any other residents that the premises may be subject to  
4 search pursuant to this condition. The defendant will  
5 participate in an alcohol aftercare treatment program, which  
6 may include testing via Breathalyzer at the direction and at  
7 the discretion of the probation officer. The defendant will  
8 provide the probation officer with access to any requested  
9 financial information. The defendant will not incur new credit  
10 charges or open additional lines of credit without the approval  
11 of the probation officer, and the defendant is to report to the  
12 probation officer within 72 hours.

13 I do not intend to impose a fine because I find that  
14 taking into account the financial sanctions that will be  
15 imposed on the defendant, he lacks the ability to pay a fine.  
16 I'm required to impose a \$400 special assessment. I intend to  
17 order the defendant to make restitution to the New York State  
18 Department of Health in the amount of \$7 million dollars.

19 Mr. Diskant, is the government seeking an order of  
20 forfeiture?

21 MR. DISKANT: No, your Honor.

22 THE COURT: Ms. Shalley, is there anything further you  
23 wish to say?

24 MS. SHALLEY: No, your Honor.

25 THE COURT: Mr. Reyes-Arias, is there anything further

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1 you wish to say?

2 THE DEFENDANT: Thank you, your Honor.

3 THE COURT: Mr. Diskant, anything else for the  
4 government?

5 MR. DISKANT: Yes, your Honor. There is an underlying  
6 indictment that the government would move to dismiss at this  
7 time.

8 THE COURT: That motion is granted.

9 Mr. Reyes-Arias, for the reasons I just stated, it is  
10 the judgment of this Court that you are sentenced to time  
11 served and three years of supervised release to run  
12 concurrently on each of Counts One through Four. While on  
13 supervised release, you will be subject to the conditions that  
14 I just listed. You are ordered to pay a special assessment in  
15 the amount of \$400. You are further ordered to pay restitution  
16 in the amount of \$7 million. Restitution payments are to be  
17 made to the Clerk, U.S. District Court, Southern District of  
18 New York, 500 Pearl Street, New York, New York 10007, for the  
19 New York State Department Of Health, Attention Mr. Dennis  
20 Wendell, Chief Accountant, Fiscal Management Group, Corning  
21 Tower, Room 2737, Empire State Plaza, Albany, New York 12337.

22 Mr. Reyes-Arias would be jointly and severally liable  
23 with Bladimir Rigo for the \$7 million in restitution. The  
24 restitution will be paid in monthly installments of 10 percent  
25 of the gross monthly income over a period of supervision to

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1 commence 30 days from today. The defendant will notify the  
2 U.S. Attorney for this district within 30 days of any change of  
3 mailing or residence address that occurs while any portion of  
4 the restitution remains unpaid.

5 Mr. Reyes-Arias, I'm also required to advise you of  
6 your appeal rights. You can appeal your conviction if you  
7 believe that your guilty plea was unlawful or involuntary or if  
8 there was some other fundamental defect in the proceedings that  
9 was not waived by your guilty plea. You also have a statutory  
10 right to appeal your sentence under certain circumstances.  
11 With few exceptions, any notice of appeal must be filed within  
12 14 days of judgment being entered in your case. Judgment will  
13 likely be entered tomorrow. Ms. Shalley will discuss with you  
14 whether or not you wish to file a notice of appeal. If you're  
15 not able to pay the costs of an appeal, you may apply for leave  
16 to appeal in forma pauperis. If you request the clerk of the  
17 Court, we will prepare and file a notice of appeal on your  
18 behalf.

19 Is there anything further?

20 MR. DISKANT: Not from the government.

21 MS. SHALLEY: No, your Honor. Thank you.

22 THE COURT: All right.

23 (Adjourned)  
24  
25